

**MINUTES
UTAH STATE LPG BOARD
April 28, 2006**

BOARD MEMBERS PRESENT

**Lynn Froerer
Jim Johnson
Kevin Eldridge
Boyd Cook
Tom Clark
Jay Downs**

**Chair, LP Gas Board
LP Gas Board Member
LP Gas Board Member
LP Gas Board Member
LP Gas Board Member
LP Gas Board Member**

STAFF PRESENT

**Brent Halladay
Margo Densley
Ron Gustaveson
Hugo Rico
Stan Robins**

**State Fire Marshal 's Office
State Fire Marshal 's Office
State Fire Marshal's Office
State Fire Marshal's Office
State Fire Marshal's Office**

PRESENT

**Rich Burgston
Lloyd Dean
Bret Steel
Gus Trupiano**

**Utah LP Gas
Basin Western Inc.
SS Supply
Turner Gas**

Meeting began at 10:00 AM at the Murray City Hall with Chairman Lynn Froerer presiding.

Item #1 on the agenda was Board meeting called to order and welcome to all by Chairman Lynn Froerer. Chairman Froerer welcomed all the Board members, Fire Marshal's staff, and audience to the Board meeting. Chairman Froerer thanked everyone for their efforts and excused Edward Martin from the meeting, as he is recovering from back surgery. State Fire Marshal Ron Morris was also excused, as he was attending his college graduation.

Item #2 on the agenda was reading and approval of the December 9, 2005 Board meeting minutes. Chairman Froerer asked for any additions or corrections. Kevin Eldredge made the motion to approve the minutes as written and Jim Johnson seconded the motion. All Board members voted in favor.

Item #3 on the agenda was a report to the Board by Section Manager Ron Gustaveson, on the activities of the LP Gas program and monies collected since the last Board meeting. Ron Gustaveson distributed to the Board the report on the activities of the division and explained

that from 1988 through 2005, 5,069,904 gallons of propane have been installed in the State of Utah through cages and tank installations. Chief Deputy Brent Halladay reported that the total collections as of March 31, 2006 was \$89,863.50. This is on track due to the fact that our collections are heavier in the Spring.

Item #4 on the agenda was a presentation to the Board by Chief Deputy Brent Halladay on the 2006 Legislative Session and the increase of fees that will go into effect on July 1, 2006. Brent distributed to the Board a copy of Utah Legislature SB004 and explained that this year we are required by the Legislature to bring in \$191,000.00 in dedicated credits. Next year we are required to bring in \$202, 000.00. The Legislative Appropriations Committee decided to make some increases on the fees for the LP Gas program, and the Fire Extinguishers and Hood Systems programs. These fees have not been increased since 1987, when the programs began. LP Gas License Examination fees will be increased from \$20.00 to \$30.00. LP Gas License Re-examination and Five Year License Examination fees will be increased from \$20.00 to \$30.00 as well. LP Gas Certification fees have been \$30.00 and they will increase to \$40.00. The LP Gas Dispenser Operator fee will increase from \$10.00 to \$20.00. LP Gas Plan Review fees for more than 5,000 water gallon tanks has been \$90.00 and will elevate to \$150.00. LP Gas Plan review fees for less than 5,000 water gallon tanks have been \$45.00 and will elevate to \$75.00. These fee increases will go into effect on July 1, 2006. Board member Kevin Eldredge asked who determined what the increases would be. Brent explained that he and the Fire Marshal's Office staff suggested the increases. Kevin asked if these increases should have come before the Board for discussion. Brent explained that normally, it would have. However, the Legislature requested us to determine these increases and there was no time to convene a Board meeting to do so. Brent reported that the restricted account has been paying for a large portion of this program and that the extra money from these increases should ensure the continued enforcement of our LP Gas program. Brent explained that a memorandum will be sent State wide to notify the industry of the increases in fees. This memo will also explain that the Legislature mandated these increases and the Board members are not responsible. Brent reported that when this program began in 1987 the original intent of the Legislature was that the program be fully self funded. However, this has not been the case. The Legislature has provided other funding for the program to be a success. These fee increases will bring fourth almost \$39,000.00. Brent explained that this should satisfy the dedicated credit issue. Much discussion was held to include comments from Board members that this matter was handled appropriately.

Item #5 on the agenda was a presentation to the Board by Chief Deputy Brent Halladay on the five-year reauthorization of R710-6, LP Gas Rules as required by the Utah Administrative Code. Brent distributed to the Board a Fire-Year Notice of Review and Statement of Continuation form and explained that every five years the rules are required to go through a review and statement of continuation. This form is required to be submitted to Administrative Rules and the Legislative Rules Oversight Committee. Brent reported that this five year notice was filed, and it was accepted. The rules for the LP Gas Program are in effect for another five years. This document was filed on March 30, 2006.

Item #6 on the agenda was a report to the Board by Chief Deputy Brent Halladay on the completion of Chair Lynn Froerer, Vice Chair Edward Martin, and Kevin Eldredge terms as

Board members on June 30, 2006. Brent reported that three of our Board members terms will conclude on June 30, 2006. Chairman Lynn Froerer, Fire Service Representative, and Vice Chairman Edward V. Martin, Citizen at Large, have each served two terms. Therefore, these gentlemen are not eligible to be re-appointed. These positions on the Board will need to be filled. Also, Kevin D. Eldredge, LPG Representative, has completed one term. Brent asked Kevin to let him know if he would like to be recommended to the Governor for a second term. Brent commented on the great work that each of these members have done for the LP Gas Board and explained that we would encourage suggestions from all Board members on recommendations to fill these seats. Three recommendations are required for submittal to the Governor for each of these positions. Brent reminded the out going Board members that they remain a member until the new appointments are made.

Item #7 on the agenda was a presentation to the Board by Chief Deputy Brent Halladay on the April 4, 2006 meeting with the LP Gas Transporters and the proposed rule changes to R710-6, LP Gas Rules. Brent reported to the Board on the April 4, 2006 meeting with the LP Gas Transporters and explained that after discussing Federal requirements for transport drivers he was convinced that completion of the Federal DOT Haz Mat Test should waive the initial Transportation and Delivery examination and Five Year Re-examinations for transport operators for the State of Utah. Brent explained that this is a working document and recommended some additions to the R710-6. Liquefied Petroleum Gas Rules. These additions are as follows: Section 3.1.5 Class V: A business engaged in the bulk transporting of LPG to include transferring gas in liquid. Section 4.4.6 As required in Sections 4.2 and 4.3 of these rules, those applicants that have successfully completed the requirements in Code of Federal Regulations (CFR) 49, Parts 172.700, 172.704, 177.800, and 177.816, that corresponds to the work to be performed by the applicant, shall have the requirement for initial examination waived, after appropriate documentation is provided to the Division by the applicant. Also, Section 4.7.5 as required in Section 4.7 of these rules, those applicants that have successfully completed the requirements in Code of Federal Regulations (CFR) 49, Parts 172.700, 172.704, 177.800, and 177.816, that corresponds to the work to be performed by the applicant, shall have the requirement for re-examination waived, after appropriate documentation is provided to the Division by the applicant. Discussion was held on this matter and the Board agreed with these recommendations. Brent also explained that by waiving this testing the LP Gas program would loose funding. This would affect the integrity of the program. Therefore, Brent recommended a flat fee of \$600.00 per year for transport companies, (R710-6-6. Fees.6.1.1.1.5 Class V \$600.00). Much discussion was held on the matter of this fee to include concerns of legality. Board member Boyd Cook made a motion to charge Brent Halladay with the task of getting the wording in such a way that we would not be challenged by the courts on this flat fee and Kevin Eldridge seconded the motion. The Board voted in favor. Brent will research these matters and report to the Board at the next meeting.

Item # 8 on the agenda was a presentation to the Board by Chief Deputy Brent Halladay of the 2006 edition of NFPA 54, National Fuel Gas Code. Brent reported that he has made a list of the new items and significant changes in these rules and he will e-mail this list to the Board members. Discussion will be held on this matter at the next Board meeting.

Item #9 on the agenda was Old Business. Board member Jim Johnson has concerns that there

are two divisions with in the State that are regulating the Mechanical Contractors in the LP Gas industry. Jim explained that Mechanical Contractors in the State are required to be licensed by DOPL and those that work with LP Gas are required to test and license with the Fire Marshal's Office as well. This is causing confusion for inspectors in the LP Gas industry. Brent explained that he will meet with DOPL to work through a solution to this confusion and report back to the Board.

Item #10 on the agenda was New Business. Rich Burgston, Utah LP Gas, reported to the Board on a class he attended in Idaho Falls on the Fire Safety Analysis Manuel for LP Gas Storage Facilities. Safety information and safety inspection forms from this class were discussed. It was decided to further discuss this matter at the next Board meeting.

Item #11 on the agenda was next meeting date and time. It was decided that July 28, 2006 at 10:00 A.M. would be the next meeting date at the Murray City Hall. Chairman Lynn Froerer adjourned the meeting.